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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,807	01/03/2002	Michael J. FAWCETT	H053310.0000US	6737

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John F Luman III
Akin Gump Strauss Hauer & Feld
711 Louisiana Suite 1900
Houston, TX 77002

EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,807

Applicant(s)

FAWCETT ET AL.

Examiner

Alexander Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In line 15, phrase “ “for locking the or each contact holder ...” is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bac.

Bac (US 3,360,764) discloses a connector comprising (Fig. 1, 2):

first (A) and second (B) connector elements,

the first connector element (A) supports a first contact (13),

a displaceable (in a casing 3) contact holder (15, 21), carrying second (25) and third (26) contacts,

wherein

on interengagement the contact holder is displaced from first (Fig. 1) to second (Fig. 2) position after the third contact (26) is interconnected with a contact (36) of the other connector element (col. 6, lines 23-42);

on disengagement the first and second contacts separate before the third contact is separated (col. 6, lines 49-59);

the first contacts and second contacts , when separated, are located within a chamber (Fig. 1),

means for locking the contact holder to the other contact element (col. 7, lines 12-20).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-8, and 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bac.

With regard to claim 2, Bac discloses all of the limitations except for both connector elements having the contact holder for interconnection the first, second and third contacts.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide both connector elements having the contact holder for interconnection the first, second and third contacts, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With regard to claims 3, 4, 11, and 12, Bac discloses the structural features which can be used to prevent the holder being blown out of the associated connector element – pin (19) on the contact holder and a slot (20) in the body of connector element.

To locate the pin and the slot in reversed order (as claimed) and provide the slot with the closed end (to prevent removing the holder from the connector element) would have been an obvious matter of design absent any criticality and since the function performed by the elements is the same.

With regard to claims 6-9, Bac discloses all of the limitations except for the locking means applied to the connector element (A) with the first, second, and third contacts.

Bac discloses (Fig. 3) the locking means applied to the connector element (B):

the connector balls (140) between the connector element (105) and the contact holder (128, 131) (claim 6);

means for locking including balls (140) and a spring-biased slider (155) (claims 7-9).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connector element A with the locking means, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Response to Arguments

Applicant's arguments filed 10/02/2002 have been fully considered but they are not persuasive. With regard to claim 1, Applicant argues that the prior art (Bac) fails to disclose that the first and second contacts becoming interconnected after the third contact is connected to a contact of another connector.

Also, Applicant argues that disconnection in Bac will not be in claimed order.

As it was shown in the Office rejections, Bac discloses (col. 6, lines 23-42) the claimed order of connection. According to Bac, the third contact (26) is engaged with the contact (36) of another connector (B) when collar (40) touches the wall (2). Movement of the block (21) with the embedded contacts (26) toward the first contact (13) can start only when the portion (29) will strike against collar (16). The subsequent movement of the block (21) with the third contact (26) and the contact (36) already engaged will lead to engagement of the first contact (13) with the second contact (25).

Analogously, Bac (col. 6, lines 49-59) discloses the reversed order of disengagement -- the first and second contacts separate before the third contact is separated.

Hence, the rejection deems to be proper.

Also, Applicant argues that the Bac's connector and the claimed connector are concerned with the solution very different problems.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). In this case, Bac discloses the same structural components and the same order of engagement and disengagement of the connectors as it claimed in claim 1.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Alexander Gilman

A handwritten signature in black ink, appearing to read 'Alex Gilman', is written over the typed name.

March 22, 2003

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